

Town of Los Altos Hills

City Council Regular Meeting Minutes

April 23, 2009

Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Mordo called the City Council Regular Meeting to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Jean Mordo, Mayor Pro Tem Dean Warshawsky,
Councilmember Breene Kerr, Councilmember Rich Larsen, and
Councilmember Ginger Summit

Absent: None

Staff: City Manager Carl Cahill, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, City Attorney Steve Mattas, and City Clerk Karen Jost

7:04 P.M. COUNCIL ADJOURNED TO SPECIAL MEETING

7:07 P.M. COUNCIL RECONVENED TO REGULAR MEETING

APPOINTMENTS AND PRESENTATIONS

1. Appointment to the Standing Water Conservation Committee

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Larsen and passed unanimously to appoint William Krause to the Water Conservation Committee for a term of four years. Additionally, the City Council confirmed the appointments of Purissima Hills Water Board Members Brian Holtz and Gary Waldeck to the Committee for terms of four years. It was noted that the City Attorney had determined that their membership on the Committee did not present an incompatible office with their elected position on the Purissima Hills Water Board.

2. "Helping Los Altos Hills Families Connect" – Mark Breier Request for Seed Money for Events and Internet Groups

Mark Breier, resident, addressed Council. Council had before them a request from Breier for seed funding for organizers to design age-appropriate events for shared experiences and an invitation to connect online. Breier summarized his reasons for developing the online outreach project. He noted that it was difficult for Los Altos Hills' families and teenagers to connect given the large lots, hilly topography, numerous elementary schools, multiple high school districts and high patronage of private schools. Breier's concept would connect LAH families via electronic social groups. He suggested that a network independent from the Town was key to the project's success, given the reluctance of many people to share their personal family information for a government database. Breier

requested seed funding to help form the social groups and Council support for the concept. Breier suggested funding up to \$5,000 for kick-off events with \$500 specifically for the formation of a group for families with K-2 age children.

OPENED PUBLIC COMMENT

Cory Breier, resident, explained that as a teenager it was often difficult to meet other residents. He supported the endeavor and suggested that at the junior high and high school level the groups would be self organized. Mark Breier clarified that at this level there might be dual groups with the parents and students each forming a social network.

Resident, expressed her support for the social network platform. She appreciated the continuity the program would afford given the variety of schools that Hills residents attend.

Craig Jones, former Council member, expressed his support for the proposal. He spoke to the importance of Council endorsing and supporting the concept. Jones noted that the Town's residents were served by numerous public and private schools and town residents did not comprise a majority in any of the schools. Jones suggested that Council consider allocating the funds for the initial event as a "trial" with a report back to Council on the results. The additional funding could be reviewed at that time. Jones added that this would be a complement to youth sports, schools and non-age specific Town events like the annual picnic.

Lee Hartley, resident, voiced her support for the proposal. She offered that it had been very difficult as a new resident to connect with other families. Hartley suggested that it would be a great vehicle for meeting neighbors.

CLOSED PUBLIC COMMENTS

Council Discussion:

Councilmember Summit supported the proposal. She told of the difficulties she encountered when she first moved to Town to meet her neighbors and offered that it might be an effective tool in breaking down barriers between residents. Summit hoped that the network could eventually be expanded to include seniors.

Mayor Pro Tem Warshawsky supported the concept and commented that he was pleased to see the Town's funds used for a project that focused on Town residents. He encouraged Breier to work with the Community Relations Committee. Warshawsky noted that there would be a process that needed to be followed for the funding but believed the concept was worth an initial test.

Councilmember Larsen, complimented Breier on his proposal. He encouraged him to leverage his proposal by incorporating the proposed events with existing Town events. Larsen requested that the Community Relations Committee Chair be included in discussion of the proposed effort. He suggested that it would be appropriate to seed the project with \$500 but wanted to review the results prior to any additional funding.

Councilmember Kerr supported the initial request for seed money of \$500. If the event was deemed a success, he suggested Breier work with the City Manager for the additional funding up to \$5,000.

Mayor Mordo noted his support for the proposal but added that he wanted to be cautious to ensure that the council action was appropriate and the project structured to limit the Town's liability.

City Manager Cahill stated that he would be happy to meet with Mr. Breier to resolve those concerns. The Finance Director and Parks and Recreation Supervisor would be included in the discussions. Cahill noted that there were guidelines that needed to be followed when public funds were used and he would review those with Breier but believed there was a potential for the events to be successful.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Larsen and passed unanimously to authorize the City Manager to approve, if needed, up to \$5,000 over a twelve month period for the endeavor as proposed by Mark Breier.

CONSENT CALENDAR

Items Removed: Item #6 (Kerr)

MOTIONED SECONDED AND CARRIED: Moved by Warshawsky, seconded by Larsen and passed unanimously to approve the remainder of the consent calendar, specifically:

3. Approval of Meeting Minutes: City Council Regular Meeting – April 9, 2009
4. Review of Disbursements: March 1 – March 31, 2009 \$438,403.47
5. Approval of Amendments to Personnel Rules and Regulations
Resolution No. 20-09 (Staff: N. Pegueros)

Item Removed:

6. Approval of Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2009/2010 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding (Staff: R. Chiu)

Councilmember Kerr requested clarification of the item. Public Works Director/City Engineer Richard Chiu explained that the resolution was a requirement. The project application would be proposed through the Santa Clara Valley Transportation Authority for funding of the Taaffe bicycle/pathway project.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Larsen and passed unanimously to approve Resolution No. 21-09

PRESENTATIONS FROM THE FLOOR

No presentations were given.

PUBLIC HEARINGS

7. LANDS OF DAVID AND LUCILE PACKARD FOUNDATION, 26580 Taaffe Road (#42-09-CUP): Review of a Conditional Use Permit for the Packard Foundation Meeting Facility and An Amendment to Extend the Time Period for Permit Review from 5 years to 10 years. CEQA Review: Categorical Exemption per Section 15301(Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. Council had before them a request for a Conditional Use Permit amendment to extend the time period between reviews by the Planning Commission from 5 years to 10 years. The Planning Commission had reviewed the permit at their April 2, 2009 meeting and voted unanimously (5-0) to recommend approval of the proposed modification to the Use Permit.

Pedro reviewed the Conditions of Approval included in the staff report with Council. It was noted that since the Packard Foundation started using the site in 2001, the Town had not received any complaints regarding events or operations on site, and the number and size of events held at Taaffe House remained below the limits established in the Use Permit.

OPENED PUBLIC HEARING

Issac Agam, neighbor, commented that there was an unsightly storage shed on the property that was located adjacent to his property. He requested that the structure be mitigated with landscaping.

Planning Director Pedro explained that the property he was referencing was also owned by the Packard Foundation but was not the property that was being considered by Council.

CLOSED PUBLIC HEARING

George Vera, Vice President and Chief Financial Officer for the David and Lucile Packard Foundation addressed Council. He noted that the Foundation had a wonderful working relationship with the Town, staff and community. He added that the Taaffe House facility was available as a meeting space for use by non-profit and government groups.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the amendment to the Conditional Use Permit for the Packard Foundation Meeting Facility to extend the time period between reviews by the Planning Commission from 5 years to 10 years.

8. LANDS OF TOWN OF LOS ALTOS HILLS (AT&T), 27440 Purissima Road(#26-09-CUP); A Request for a Conditional Use Permit Renewal and Amendment to Replace two 2' Tall Antennas with 4' Tall Antennas on an Existing 70' Tall

Monopole. CEQA Review: Categorical Exemption per Section 15301 (Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. Pedro provided an overview of the request before Council for the renewal of a Conditional Use Permit and amendments to replace two antennas on the existing monopole and to extend the time period between renewals from 5 years to 10 years in compliance with State Law. The Planning Commission had reviewed the request at their April 2, 2009 meeting, and voted 4-0 (Clow absent) to recommend approval of the proposal.

Pedro explained that the facility was operating in compliance with the approved conditions of the Use Permit and the Wireless Communications Policy. The proposed antenna replacement would not constitute a significant visual impact. The extension of the Use Permit would allow continued operation of the facility for an additional 10 years at which time subsequent Planning Commission and City Council review would be required.

Pedro proceeded with a PowerPoint presentation that included pictures of the existing monopole located at the Little League fields as seen from the Town's riding arena and the existing AT&T equipment shed.

OPENED PUBLIC HEARING

Eliza Bechtold, applicant representative, thanked the staff for their efforts on the project. She agreed on the record to the Conditions of Approval as noted in the staff report before Council.

CLOSED PUBLIC HEARING

Council Discussion:

Councilmember Larsen requested that the representative relay his request to her superiors for support of proposed additional cell towers in Town, particularly in the western section of Los Altos Hills. Bechtold responded that she would pass the comments along.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Warshawsky and passed unanimously to approve the requested amendment and renewal of the Conditional Use Permit to replace the antennas and extend the time period between renewals from 5 years to 10 years subject to the Conditions of Approval (Attachment 1) in the staff report.

9. LANDS OF LIU, 27755 Edgerton Road (proposed address change to 27300 Ursula Dr) (#166-08-ZP-SD-GD); Appeal of the Planning Commission's Decision to Approve a Site Development Permit for a 4,979 square foot Two Story New Residence, 803 square foot Basement, Grading Policy Exception for the Driveway and Fire Truck Turnaround, and the Removal of six (6) Heritage Oak Trees. CEQA Review; Categorical Exemption per Section 14303 (a) (Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. The item before Council was an appeal of the Planning Commission's approval of a site development permit for a new residence and grading policy exception. The currently undeveloped lot was heavy forested and had frontages on Edgerton Road and Ursula Lane. It had a net acreage of 1.86 acres and an average slope of 37.3%. Pedro proceeded with a PowerPoint presentation, that included: an aerial view of the project site and neighborhood; existing site plan for the lot; photos of the Blue Oak identified as Tree #35 on the project plans (Conditions of Approval required that it be preserved); revised design approved by the Planning Commission at the March 5, 2009 public hearing; site plan with the Open Space Easement and Pathway that would connect Ursula Lane with Edgerton Road identified; and a schematic of the grading policy exceptions for the driveway and fire truck turnaround.

Pedro provided an overview of the project's history. The original proposal had been reviewed by the Planning Commission on February 5, 2009. The Planning Commission voted unanimously to continue the project and directed the applicant to redesign the house in order to preserve a 36" blue oak. The applicant revised the plans by relocating the house further to the north and reducing the footprint of the building to preserve the tree. Additionally, a 15" blue oak (Tree #30) previously identified for removal, was also preserved. The Planning Commission voted 4-0 (Cottrell-absent) to approve the redesigned project and grading policy fill for the fire truck turnaround with additional Conditions of Approval. The approved plan necessitated the removal of 6 heritage oaks. The applicant was required to replace the trees with a 1:1 ratio with 48" box oaks.

The Planning Commission approval of the project was appealed on March 26, 2009 by a group consisting of three neighbors. The appeal letter from Birnbaum, Lee and Olson was included in the staff report before Council. Reasons cited for the appeal were the removal of heritage oak trees, construction impacts to the remaining trees on site, concerns regarding erosion and drainage, the design of the fire truck turnaround and the size of the proposed house in comparison to surrounding residences.

Pedro explained that the neighbors were also requesting the preservation of a 35" valley oak (Tree #4) identified for removal that was located near the southwest entrance of the property. The tree removal was necessary to accommodate the fire engine turnaround required by the Fire Department. The appellants suggested that an alternative fire engine turnaround design would satisfy the requirement and preserve the tree. Pedro reviewed a slide of the alternative design with Council. The applicant's engineer had reviewed the proposal and believed it was possible but would require fill of up to 14' at the northwest corner of the garage and cut of up to 6' at the southeast corner of the fire engine turnaround. Additionally, the preservation of Tree #4 could pose a problem with construction staging and access to the property.

The arborist reports that included additional recommendation for the preservation of the identified trees were included in the Council packet. For the record, Pedro noted that there were several inaccuracies in the Newcomb Tree Company report submitted by the appellant. Specifically, Tree #35 had been misidentified as a white oak and 30"; it is a blue oak and 35".

Council Discussion:

Councilmember Kerr inquired if the alternate proposal for the turnaround would provide more mitigation of the residence from Ursula Lane and if the applicant was amenable to the appellants' proposal. Pedro offered that the alternate plan would shield the home more from views off of Ursula and noted that the applicant was in attendance and available to answer Council's questions.

Councilmember Summit noted that after visiting the site and walking the property, she had discovered a potential pathway within the open space easement that was a more preferable route than the proposed pathway. She questioned if there was any flexibility in locating the required pathway. Kerr concurred with Summit's appraisal of the alternate path. He noted that it would not disturb the privacy of the property owners. City Attorney Steve Mattas explained that if the applicant expressed his willingness to allow a modification to the pathway Condition of Approval, the Council could amend the condition to permit the applicant to work with staff to determine the final alignment of the path as described by Councilmember Summit.

OPENED PUBLIC HEARING

Appellant Comments:

Lennart Olson, Ursula Lane, voiced his concerns regarding the project. He had hired two independent arborists to inspect the trees on the site, particularly Trees #35/#36. The arborists' reports had noted the critical importance of protecting tree roots during construction. Olson suggested that the applicants' arborist report had been incomplete and insufficient. He believed that the house was too close to the trees. One of the trees in question was a rare specimen of a blue oak. Additionally, he did not believe the home's design was in character with Los Altos Hills. He requested Council consideration of requiring a maximum effort to save the trees and require that the plans be revised for the difficult building site.

Kimberly Lee, Ursula Lane, offered that she had four issues pertaining to the project she wished to identify for Council. First, she wanted Tree #4 that was being removed to accommodate the driveway to be preserved. The appellants' arborist Barry Coates had proposed that this tree could be saved if the roadway was realigned and a bridge was constructed over the roots as an alternative entrance. Lee noted that this alternative proposal had not been addressed. Second, she questioned if there had been any consideration given to shifting or shortening the size of the house to further rotate the turnaround pad or if a lower level garage had been considered. She believed the alternatives would reduce the height of the retaining wall and could potentially save the tree. In discussions with the Fire Marshall, Lee had found that only one driveway configuration had been submitted by the applicant and she wondered if it was feasible for the driveway (turnaround) plan to be designed in collaboration with the Fire Department with a goal of reducing the height of the wall and protecting Tree #4. Lee cited the fact that the applicant had not solicited neighbors' input prior to their submittal of the plans as the primary reason so many issues had not come forward earlier. Third, she expressed her concerns regarding the proposed foundation design for the home. She offered that their arborist had deemed a peer and beam foundation for the residence as a necessary component to preserving the trees and avoiding the severing of critical tree roots (Tree #30/#35). Fourth, Lee requested that the City hire an independent arborist to monitor the construction of the project.

Felix Lee, Ursula Lane, noted that his comments would focus on the massive scope of the project that had been proposed for the site. He provided an overview of the lots natural physical constraints. Lee offered that the project would require five variances. Lee supported a smaller home with a smaller footprint for the site and believed this would eliminate a majority of the project's problems. He suggested that the lot did not warrant an approval of the "allowable" 5,000 square foot residence. Lee noted that the adjacent properties (8 homes) had average lot sizes of 1.8 acres and the average home size was 3,440 square feet.

Applicant Comments:

Tim McKeegan, applicant, addressed Council. Council had in their packet a letter from McKeegan that was responsive to the concerns the appellants had outlined in their letter. He identified the numerous changes the project had undergone to accommodate the requirements and the efforts that had been taken to preserve his trees. McKeegan had worked with three different Town Planners do to staff changes and had been required to revise his plans three times in less than 90 days. Each change had required revisions by his architect and engineer. After receiving staff approval, his project was continued by the Planning Commission with direction to make additional modifications. McKeegan noted that the redesigned home that had been approved by the Planning Commission had been relocated an additional 14 feet from the road, lowered in height, the footprint reduced by 20% and the need for a grading exception eliminated. The approved project met all of the required setbacks by an additional 20% more than the Town standard. He noted that his new design had cost him the view from his master bedroom as originally designed.

McKeegan noted that his property was heavily forested especially in comparison to his neighbors' properties where trees had been removed for construction. He had hired an arborist to review/survey the trees on his site and the arborist had trenched to review the root system of the trees that had been identified for preservation. The arborist had determined that the root systems would be minimally affected by construction.

McKeegan spoke to the required hammerhead turnaround for the fire engine. He offered that he was willing to work with the Fire Department to design the turnaround to save Tree #4. His engineer and arborist were in attendance and available to answer Council questions.

Councilmember Kerr questioned if the applicant was amenable to being flexible on the location of the pathway. Kerr suggested that the deer path near Edgerton Road located in the Open Space Easement might be a better route than the one sited on the plans. Additionally, Kerr asked if the applicant would be willing to provide a pathway easement along the proposed driveway/Ursula Lane. McKeegan explained that Kerr's proposal would cross several other properties' driveways. Summit offered that the pathway that Kerr had described on Ursula had been discussed by the Pathway Committee. Kerr spoke to the importance of acquiring the easement given its proximity to Westwind Barn and the ability to have a safer route for equestrians.

Kevin Kielty, applicant's arborist, addressed Council. Due to McClenahan Tree Service's full schedule, they had subcontracted the tree survey of the lot to Kielty. He reviewed his credentials and experience with construction impact on trees. Kielty had trenched two

feet by Tree #35 to see if locating the home at the approved site was feasible. He believed that the home's location did not pose a problem and expected only a 20% root loss. Kielty in response to the comments of the appellant explained that there was no advantage to a pier and grade beam foundation in preserving the trees.

Councilmember Summit requested clarification on the retaining wall. She questioned how it could be aesthetically mitigated. Mark Helton, applicant's civil engineer, explained that the wall could be stained, textured or planted for mitigation.

Lennart Olsen, appellant, reiterated his concerns regarding the protection of Trees #35/#36 during construction.

Kevin Kielty, applicant's arborist responded that every effort would be made to protect the trees.

Kimberly Lee, appellant, expressed her concerns regarding several comments that she had heard from the applicant's arborist. She did not believe that the design of the house was consistent with the goal of saving the trees.

CLOSED PUBLIC HEARING

Council Discussion:

Councilmember Kerr voiced his support for saving Tree #35. Planning Director Debbie Pedro clarified that Barry Coates, appellant's arborist, had made several specific suggestions to preserve the tree noting that he had not suggested that the house be relocated. Kerr recommended that Coates' comments be incorporated into the approval and he favored adding a Condition of Approval to mitigate the appearance of the retaining walls by coloring them. Kerr encouraged the Council to request the additional pathway easement from the applicant that he had mentioned in his earlier comments and to be flexible on the siting of the pathway easement through the Open Space. Kerr voiced his preference for the alternative fire truck turnaround design that would save Tree #4.

Councilmember Larsen concurred with the comments of Councilmember Kerr. He supported approval of the alternative fire engine turnaround that would save Tree #4; mitigating the appearance of the retaining wall; and, flexibility of the pathway siting. Larsen requested that an independent arborist be engaged to monitor the trees during construction. Larsen noted that the applicant's architect and the arborist had good reputations locally.

Mayor Pro Tem Warshawsky asked if the applicant foresaw any problems with the alternative fire engine turnaround proposal. McKeegan explained that if his project was approved and it was a Condition of Approval, he would work with his civil engineer to meet the requirements. Warshawsky noted that he had visited the site and read the information in the staff report. He empathized with the applicant's long review and redesign process. Warshawsky explained that he understood that the neighbors were losing a beautiful undeveloped lot covered with oaks but the applicant had been very accommodating and he supported approval of the project with the additional recommendations proffered by Councilmember Kerr.

Councilmember Summit complimented the McKeegans on their efforts and compromises to address the concerns of the neighbors and their redesign of the project to preserve the trees, lower the height and reduce the footprint of the home. She thanked them for their cooperation with the Pathways Committee, Planning Commission and arborists. Summit supported approval of the project.

Mayor Mordo supported the project. He empathized with the neighbors' loss of the undeveloped lot but added that this was a buildable site and the applicant had met all of the Town's requirements and had the right to build his home. He concurred with the recommendations of Councilmember Kerr.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Larsen and passed unanimously to uphold the Planning Commission's approval of the site development permit and grading exception with the following modifications:

Amendments to the existing Conditions of Approval:

#4. For Trees #35 and #4, the chain-link tree protection fencing shall be located as close to the drip line as possible.

#5. The Town will engage an independent certified arborist to implement the Tree protection measures.

#22. The location of the pathway easement through the property connecting Ursula Lane to Edgerton Road shall be determined by the Pathways Committee and Town staff.

New Conditions of Approval

- The retaining wall for the driveway and fire engine turnaround shall be stained a natural earth-tone color.

- To preserve Tree #4, the project plans shall incorporate the alternative fire engine turnaround shown as Attachment 7 of the Staff Report to the City Council dated April 23, 2009. If the alternative driveway turnaround is not acceptable to the Fire Department, the project shall incorporate the hammerhead design approved by the Planning Commission.

- The applicant shall dedicate to the Town a 30 foot wide easement to allow the construction and use of a 5 foot roadside path along the panhandle adjacent to Ursula Lane to Black Mountain Road.

Tim McKellan, applicant, agreed on the record to the amended and new Conditions of Approval for the site development permit.

COUNCIL RECESS: 9:00 P.M.

COUNCIL RECONVENED TO OPEN SESSION: 9:10 P.M.

10. LANDS OF GAVRA, 25631 Vinedo Lane (Lot 1) (#307-08-ZP-SD-GD); Appeal of the Planning Commission's Decision to Approve a New 6,656 square foot Two Story New Residence with a 2,683 square foot Basement (maximum height 27'), 385 square foot Detached Second Unit (Cabana), and 608 square foot Swimming Pool. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. She provided an overview of the project's history. The property was one of three lots of a subdivision

approved by the City Council on March 12, 2008 and was currently undeveloped. The proposed project was a two story new residence with a basement, detached second unit and swimming pool. The Planning Commission reviewed the proposal at their April 2, 2009 regular meeting and approved the application with additional conditions by a 3-0 vote (Clow-absent, Collins-recuse).

Pedro proceeded with a PowerPoint presentation that included: an aerial vicinity map, a site plan, photos of the property with story poles, and a photo of the pathway. Pedro noted that the property was bisected by a 35' ingress/egress easement for access to lots #2 and #3. The proposal included two driveways on Vinedo Lane to service a garage at grade and a basement garage with a fifth outdoor parking space for the second unit.

Pedro reviewed the additional conditions of approval that had been imposed by the Planning Commission following their review. They included a planting plan for immediate landscape mitigation along the front of the property to be reviewed and approved by the Planning Commission and implemented prior to issuance of the building permit; reduction of the width of the driveway accessing the two car garage at grade to 12' to allow more space for planting; and, construction traffic was required to access the property from the existing driveway of Elena Road.

Pedro summarized the concerns that had been expressed by the neighbors at the Planning Commission hearing regarding the project that included comments regarding the location of the home relative to the street and the size and aesthetics of the new home. Recommendations forwarded by neighbors included the removal of one of the driveways along Vinedo to allow more planting.

Appellant Comments:

Councilmember Kerr explained that he had appealed the site development approval after seeing the project's story poles and the appearance of the home being sited so close to the road. He noted that the road had been widened for the subdivision. Kerr offered that there was enough flexibility with the lot to increase the frontage setback by moving the residence back an additional 10 feet and re-orientating the swimming pool. This would not effect the square footage of the home but would make it less imposing on the street.

OPENED PUBLIC HEARING

Patty Trayer, Vinedo Lane, opposed the project. She voiced her concerns regarding the aesthetics of the subdivision's proposed homes and multiple driveways. Trayer suggested that the proposed homes were not appropriate for the Town's rural nature and would dramatically change the neighborhood.

Steven Wang, Vinedo Lane, opposed the project. His main concerns included: the close proximity of the home to the road; the multiple driveways and their effect on traffic congestion on Vinedo Lane; the applicant's removal of cypress trees that had screened the project; and, the installation of a purple pipe adjacent to his property. Wang questioned if the Town would be assuming the liability for the private road.

Eugene Mandel, Vinedo Lane, read into the record a letter signed by eighteen neighbors that opposed the project and supported the alternative recommendations that had been proposed by staff at the Planning Commission's hearing. He did not believe the home's design was compatible with the neighborhood and urged the City Council to mitigate the

obtrusiveness of the proposed structure by increasing the setback and eliminating one of the driveways to permit additional landscape screening.

John Trayer, Vinedo Lane, offered that the road was in the wrong location and this was the main factor that the home was sited so close to the road.

Councilmember Kerr, in summarizing his appeal, offered that he understood that the proposed home was within the Town's guidelines for a flat lot but he believed it was appropriate for the Council to use their discretion in siting the home on the lot and requiring an additional setback, at a minimum, 10 feet. He did not have a recommendation regarding the driveways.

Applicant Comments:

Desmond Tuck, attorney representing the applicant, addressed Council. Tuck noted that the project had been in progress since 2007 and was compliant with the Town's rules and regulations. The application did not include any requests for exceptions and had been approved unanimously by the Planning Commission. He shared several photos of neighboring properties to illustrate their close proximity to the road and photos of the road before it had been improved by the applicant. Tuck suggested that once the landscaping plan was implemented, the new home would be more in character with the neighborhood.

Scott Stotler, project designer, commented that he had never had a project appealed that had been in compliance with all of the rules and guidelines and received a unanimous approval by the Planning Commission. Stotler reviewed the limitations placed on the project by the constraints of the lot and the required easement dedications. Stotler felt that the curved design of the driveways provided more planting opportunities for screening the house, garage doors, and parked cars from the street.

Issac Agam, owner, addressed the Council. Agam explained that it had not been their (developers) choice to widen the road in the current configuration; it had been a requirement of the subdivision. Agam believed that the backyard was an important element for Los Altos Hills homes. This particular property had a small backyard due to its terrain and the constraints of the lot and suggested that moving the home back an additional 10 feet would present a hardship and major issue. Agam spoke to all of the time and efforts that had been expended to design a home with a low profile.

CLOSED PUBLIC HEARING

Council Discussion:

Planning Director Pedro reviewed the lot's constraints with Council and the limited building footprint.

Councilmember Larsen requested clarification on the feasibility of accessing the property from the Ingress/Egress. Planning Director Pedro explained that per the Town's codes, and Ingress/Egress easement can only serve two properties. If it served as an additional access for an additional home, it would have to be a road with a widened right-of-way. City Manager Cahill explained that at a minimum it would have to be widened to 40 feet.

Councilmember Summit voiced her concerns on the traffic impact on Vinedo Lane from the two driveways coupled with the Ingress/Egress. She understood that changing the driveway configuration would require a redesign. Summit supported the home being moved an additional 10 feet back on the property.

Mayor Pro Tem Warshawsky commented that he had visited the site multiple times. He supported the staff recommendation to uphold the Planning Commission's approval of the project subject to the Conditions of Approval. Warshawsky noted that the project was compliant with the Town's guidelines.

Councilmember Larsen supported the request for an increase in the frontage setback with the home moved back on the lot and further exploration of an alternative to the two driveways.

Councilmember Kerr spoke to the problems associated with a redesign of the driveways. He suggested that if the cabana were to be relocated to accommodate the home being sited further back on the lot, additional screening should be required to mitigate the garage. He recommended that the application be returned to the Planning Commission to review the project with the additional 10 foot setback requirement.

Mayor Mordo commented that he supported the decision of the Planning Commission and would vote to uphold their approval. He understood the neighbors' concerns but the home was compliant with the Town's requirements. Mordo noted that if the cabana were to be moved, it would most likely result in additional hardscape on the property and the applicant would lose useable space on their backyard.

MOTION MADE AND WITHDRAWN: Moved by Larsen that the setback be increased 10 feet on the frontage of the home and the right driveway be relocated off the Ingress/Egress. Motion withdrawn by Councilmember Larsen.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Kerr and passed by the following roll call vote to modify the site development approval granted by the Planning Commission to require the applicant to move the residence and cabana back 10 feet and to direct the Planning Commission to evaluate and determine rather the second access to the residence should come off the Ingress/Egress easement rather than off of Vinedo Lane. The Planning Commission would evaluate the two access driveways and make the final determination.

AYES: Councilmember Kerr, Councilmember Larsen and Councilmember Summit
NOES: Mayor Mordo, Mayor Pro Tem Warshawsky
ABSENT: None
ABSTAIN: None

UNFINISHED BUSINESS

11. Update on Town Goals

- Emergency Preparedness

Councilmember Larsen advised Council that Public Safety Officer Steve Garcia had scheduled a “functional” exercise for emergency preparedness and response. The drill will be held at Town Hall on Wednesday, April 29, 2009. Participants included members of CERT, Emergency Communication Committee members and Town staff.

- Environmental Initiatives

Councilmember Larsen reported on the recent resignations tendered by members of the Environmental Initiatives Committee. Councilmember Kerr offered that they were looking for direction from Council and ways to revitalize the membership.

- Parks and Recreation Assets and Programs

Mayor Mordo reported that a meeting had been convened with Foothill College President Judy Miner to discuss use of the school’s practice field. Meeting participants included President Miner, Mayor Mordo, City Manager Carl Cahill, Parks and Recreation Supervisor Eric Christensen and Parks and Recreation Committee member Patty Radlo. There was a consensus of the Council that it was important for the field to be a full size playing field.

- Sewers and Infrastructure

Councilmember Larsen reported that the Ad Hoc Sewer Committee had met. The primary goal of the group was identified and they will be working on developing financial incentives that would be available to everyone with the ultimate goal of making sewers accessible to all Town residents. Larsen will return to Council when more information on the proposal is available.

NEW BUSINESS

No items scheduled. No reports given.

PLANNING COMMISSION REPORT

12. Notification of Planning Commission Approval:

A. LANDS OF KROOT AND GALILI: 26590 Moody Road (File #28-09 ZP-SD-VAR); A Request for a Site Development Permit for a 593 square foot First and Second Story Addition and Interior Remodel, Trellis, Outdoor Parking Area and Trash Enclosure within the Side Yard Setback. CEQA Review: Categorical Exemption per Section 15303 (a) (Staff: N. Horvitz)

- Planning Commission Vote: 4-0 (Clow-Absent)
- Appeal Deadline: April 24, 2009

Planning Director Pedro provided an overview of the Planning Commission’s April 2nd meeting.

REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

13. Los Altos – Los Altos Hills Volunteer Awards Committee Proposed Bylaws - Mayor Mordo

Council had before them a draft of the revised Bylaws for the LA-LAH Volunteer Awards Committee. The bylaws had gone through a thorough vetting by current committee members and had been approved by the Los Altos City Council at their last meeting.

MOTION SECONDED AND CARRIED: Moved by Summit, seconded by Larsen and passed unanimously to approve the Los Altos-Los Altos Hills Volunteer Awards Committee as presented.

14. Proposal for Master Path Map Update – Nicholas Dunckel, Pathways Committee Chair

Nicholas Dunckel, Pathways Committee Chair, addressed Council. Council had before them a request from Chairperson Dunckel for direction on the Committee's proposal to move forward with an update of the Master Pathway Map that included two general areas. The first additions to the Master Pathway Plan of on-road pathways included the newly annexed W. Loyola area. The second phase included a variety of modifications to the Master Pathway Plan throughout the Town.

Council thanked Dunckel for his proposal. Council discussion ensued. Councilmember Larsen stated that he would prefer to defer the review of the W. Loyola area until the sewer project was completed (W. Loyola SAD#1). His preference was to postpone the review for 6 months. Kerr offered that for the Town to request pathway easements in the area when site development projects were submitted for review, there needed to be a nexus for the requirement. Mayor Pro Tem Warshawsky questioned if the review was really necessary if the focus was on-road pathways and suggested that pathway-in-lieu fees could be an acceptable alternative. Mayor Mordo suggested that a "tentative" map could be developed that could provide guidance.

City Manager Cahill explained that it was not necessary for on-road paths in the road right-of-way to be shown on the map to require pathway easements.

Councilmember Summit explained that in the past, the on-road paths were shown down the middle of the road on the map and the Pathways Committee after a site visit would determine which side of the road best suited a pathway. She suggested that the paths for the newly annexed area could be shown down the middle of the road on the Path Map and if and when the committee thought it was appropriate, a dedicated easement could be requested.

Council provided direction to Chair Dunckel. His committee was to postpone review of the W. Loyola area for 6 months and to begin the work on the other modifications to the Path Map.

COUNCILMEMBER REPORTS

Councilmember Summit reported on the activities of the following Standing Committees:

Parks and Recreation Committee: The Hoppin' Hounds and Earth Day events at Westwind Barn had been very successful and the Fun Run, golf tournament and Hoedown were all in the planning stages.

Open Space Committee: The educational program “Living with Wily Coyote” held at Town Hall had been well attended. Their next program on Sudden Oak Death was scheduled for May 9th. The Committee was reviewing the fence ordinance and would be making a recommendation to the Council at a future meeting.

Environmental Design and Protection Committee: The Committee was reviewing the Town’s landscape lighting rules and considering modifications.

Councilmember Kerr reported that he had attended an event at Congresswoman Anna Eshoo’s office and the Town had been recognized for their certification as a Green Business. He commended the staff on their efforts.

STAFF REPORTS

City Manager

City Attorney

City Clerk

No reports were given.

COUNCIL INITIATED ITEMS

15. Consideration of Rosenberg Rules of Order as the Town’s Official Meeting Guidelines – Mayor Mordo

Mayor Mordo introduced the item to Council. Council had before them a copy of Rosenberg’s Rules of Order and a request from the Mayor for consideration of adopting the parliamentary procedures as the official guidelines for City Council meetings. The rules have been endorsed by the League of California Cities and used by many jurisdictions. Mordo noted that the rules were simplified and more efficient. Currently, the Town’s Municipal Code calls for the Council meetings to be governed by the latest edition of Robert’s Rules of Order, however, the Code did give Council the authority to adopt "other rules". The City Attorney explained that those rules would apply over Robert's where the two sets of rules covered the same issue.

Council discussion ensued. Mayor Pro Tem Warshawsky voiced his opposition to making any changes to the parliamentary procedure noting that the meetings have been consistently well run and the general etiquette afforded the Councilmembers and audience were sufficient. He did not believe a change was warranted.

MOTION SECONDED AND CARRIED: Moved by Summit, seconded by Larsen and passed by the following voice vote to adopt the Rosenberg’s Rules of Order as the Town’s official parliamentarian rules for the Council meeting. Robert’s Rules of Order would replace the Rosenberg’s Rules of Order when they were not applicable.

AYES: Mayor Mordo, Councilmember Larsen and Councilmember Summit

NOES: Mayor Pro Tem Warshawsky, Councilmember Kerr

ABSENT: None

ABSTAIN: None

ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 11:05 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the March 23, 2009 regular City Council meeting were approved as presented at the May 14, 2009 regular City Council meeting.